

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FEB 02 2017

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

2:16-CR-00163-TOR

13 vs.

*Pretrial Diversion Agreement*

14 JANNEL PRICHA MARY  
15 ROBERTSON,

16 Defendant.

17 Plaintiff United States of America, by and through Michael C. Ormsby, United  
18 States Attorney for the Eastern District of Washington, and Matthew F. Duggan,  
19 Assistant United States Attorney for the Eastern District of Washington, as well as  
20 Defendant JANNEL PRICHA MARY ROBERTSON, and John Stephen Roberts, Jr.,  
21 counsel for Defendant JANNEL PRICHA MARY ROBERTSON, agree to the  
22 following Pretrial Diversion Agreement:

23 I. Overview

- 24 1. It is alleged by an Indictment returned by the Grand Jury on December 7,  
25 2016, in Cause Number 2:16-CR-00163-TOR that JANNEL PRICHA  
26 MARY ROBERTSON committed the following offense against the United  
27 States in the Eastern District of Washington: On or about September 28,  
28 2016, JANEL PRICHA MARY ROBERTSON, a citizen and national of  
Canada, who had theretofore been denied admission, excluded, deported and

1 removed from the United States, on or about September 26, 2016, at Blaine,  
2 Washington, was found in the United States in Okanagon County, in the  
3 Eastern District of Washington, and she then did not have the express  
4 consent of the Attorney General, or the Attorney General's successor, the  
5 Secretary of the Department of Homeland Security (Title 6, United States  
6 Code, Sections 101, 202(3) & (4), 402 and 557), to reapply for admission  
7 into the United States, all in violation of 8 U.S.C. § 1326.

- 8 2. The United States investigated Ms. Robertson's background, as well as the  
9 offense circumstances and, in the interests of justice, agrees to resolve this  
10 matter by pretrial diversion.
- 11 3. On the authority from the Attorney General of the United States, through  
12 Michael C. Ormsby, United States Attorney for the Eastern District of  
13 Washington, prosecution in the Eastern District of Washington for the  
14 offense alleged in the Indictment shall be deferred for 12 months. This 12-  
15 month period begins on the date this Agreement is signed by both the parties  
16 and accepted by the Court.
- 17 4. This Agreement is not intended—and shall not be construed—as a liability  
18 admission by any party.
- 19 5. The parties agree that the Court will maintain jurisdiction over this matter  
20 and that the Court shall be the final arbiter on 1) whether a party breached  
21 this Agreement and, if so, 2) the appropriate remedy, which may include  
22 either terminating the Agreement or modifying its terms. A modification  
23 may include extending the Agreement's 12-month period by an additional  
24 twelve (12) months (for a maximum of 24 months).

## 25 II. Terms

26 JANNEL PRICHA MARY ROBERTSON agrees to the following terms:

- 27 1. **Supervision.** Ms. Robertson agrees to be supervised by the United States  
28 Probation Office during this 12-month period (or longer, if the period is

1 extended by the Court). Ms. Robertson's supervision terms include the  
2 following:

- 3 a. Ms. Robertson shall not enter the United States absent the express  
4 consent of the Attorney General, or the Attorney General's successor,  
5 the Secretary of the Department of Homeland Security.
- 6 b. Ms. Robertson shall not violate any federal, state, or local law (this  
7 does not apply to civil infractions such as speeding).
- 8 c. If Ms. Robertson is arrested or has any official contact with a law  
9 enforcement officer in a civil or criminal investigative capacity, she  
10 shall notify her supervising diversion officer within two (2) business  
11 days.
- 12 d. Ms. Robertson shall be employed regularly at a lawful occupation.  
13 When out of work, she shall notify her diversion supervisor. In the  
14 event she is self-employed, she shall provide evidence of said self-  
15 employment.
- 16 e. Ms. Robertson shall report in the manner directed by her diversion  
17 supervisor, to include telephonic and electronic communication,<sup>1</sup> to  
18 her supervising diversion officer as directed, and keep him/her  
19 informed of her residence location. Any failure to abide by the  
20 reporting requirements established by the diversion supervisor will be  
21 deemed to be an irrevocable violation of the instant Agreement.
- 22 f. Ms. Robertson shall not possess, control and/or consume any  
23 controlled substance, which includes marijuana, or items commonly  
24 used for the consumption of such substances (drug paraphernalia).

25 2. **Tolling.** Ms. Robertson agrees to toll the running of all applicable statutes of  
26 limitations for the offense alleged in the Indictment. This tolling shall run

27  
28 <sup>1</sup> Nothing in this Pretrial Diversion Agreement grants any rights to reenter the United States.

1 from the date this Agreement is signed by all parties until the Agreement  
2 expires or is terminated by the Court. Ms. Robertson agrees that the  
3 Agreement's tolling provision does not abridge or curtail the applicable  
4 statute of limitations in any way, but rather extends the applicable statute of  
5 limitations by the time period that the Agreement is in effect.

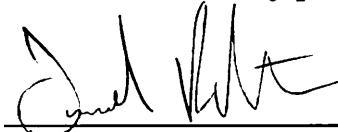
- 6 3. **Speedy Trial.** Ms. Robertson acknowledges that she enjoys speedy trial  
7 rights under both the Sixth Amendment to the United States Constitution  
8 and 18 U.S.C. § 3161. Ms. Robertson agrees that she will neither move the  
9 Court to dismiss any charges nor assert any defenses based on speedy trial  
10 violations while prosecution is deferred under this Agreement. Ms.  
11 Robertson further agrees that if this Agreement is terminated by the Court  
12 and the United States resumes prosecuting her for the offense alleged in the  
13 Indictment, any delays stemming from this Agreement are requested by her,  
14 and these delays are reasonable, necessary, and in the interest of justice. *See*  
15 18 U.S.C. § 3161(h)(2).
- 16 4. **Breach.** If, after a hearing, the Court terminates the Agreement based on a  
17 breach by Ms. Robertson, then the United States may resume its prosecution  
18 against Ms. Robertson for any available charges, to include improper entry  
19 by an alien, in violation of 18 U.S.C. § 1325, and reentry of a removed alien,  
20 in violation of 8 U.S.C. § 1326.

21 The United States agrees to the following terms:

- 22 1. **Inadmissibility of Pretrial Diversion in Prosecution.** Should either party  
23 fail to abide by the terms in this Agreement and this case resumes on a "trial  
24 track," the United States agrees that neither this Agreement nor any other  
25 documents filed as a result of Ms. Robertson's participation in a pretrial  
26 diversion program, shall be used against her in connection with any  
27 prosecution based on the offense alleged in the Indictment.  
28

2. **Defer Prosecution.** The United States agrees to defer prosecuting the above-captioned matter for 12 months (or up to 24 months, if the Agreement is extended). If Ms. Robertson completes this Agreement (even if there are modifications or extensions), then the United States will dismiss the Indictment with prejudice. In addition, if Ms. Robertson completes this Agreement, then the United States will not charge Ms. Robertson with any other offenses stemming from the conduct set forth in the Indictment.

I hereby state that the above has been read by me. I understand the conditions of my pre-trial diversion and agree that I will comply with them.



JANNEL PRICHA MARY ROBERTSON

2/2/2017

Date



John Stephen Roberts, Jr.

Counsel for JANNEL PRICHA MARY ROBERTSON

2/2/17

Date



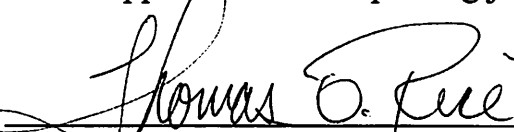
Matthew F. Duggan

Assistant United States Attorney

2-2-17

Date

Approved without passing judgment on the merits or wisdom of this diversion.



Chief Judge Thomas O. Rice  
United States District Judge

2-2-2017

Date